REMARKS

Claims 44, 47, 66, 69 and 86 are amended and claim 73 is cancelled herein. Claims 44-47, 50-69, 72 and 74-87 will be pending upon entry of this amendment.

The amendments to claims 47 and 69 are being made solely to improve the technical format of the claims and not for reasons related to patentability thereof.

The specification is amended to change the inner surface 9 of the absorbent body to be the outer surface 9 thereof, so that the terminology is consistent with the use of the terms inner and outer throughout the specification.

The following remarks are responsive to the Office action mailed August 5, 2003.

I. Objections to the Drawings

Applicants have amended the drawings herein to comply with the changes suggested in the Office action. Specifically, Fig. 3 has been amended to indicate a solid structure and lead line for reference numeral 8 near the bottom of the page.

The Examiner has maintained the rejection of the drawings under 37 CFR 1.83(a) as not showing every feature of the invention as specified in claims 46, 47, 67 and 69. As set forth in the discussion below and in Amendment B, applicants respectfully assert that the recitations of claims 46, 47, 67 and 69 are adequately shown in the drawings.

Claims 46 and 67 are generally directed to the feature of the present invention wherein the absorbent body is affixed to the stretchable multilayer chassis in at least one of a lateral attachment pattern and a longitudinal attachment pattern. Fig. 2 was previously revised to more clearly indicate the position

of the adhesive layer 13 that, in one embodiment, attaches the absorbent body to the chassis of the article. The adhesive layer 13 is shown to extend in the cross-machine direction (i.e., lateral direction) to affix the absorbent body to the chassis via an attachment pattern corresponding with the adhesive layer. Accordingly, the requirements of claims 46 and 67 reciting that the body be affixed to the chassis in at least one of a lateral attachment pattern and a longitudinal attachment pattern are believed to be shown in the drawings.

Claims 47 and 69 were previously amended and claim 86 is currently amended to recite that about 25% to about 95% of the surface area of the outer surface of the absorbent body is affixed to the chassis. As shown in the cross-section of Fig. 2, the inner surface 9 of the absorbent body 4 is affixed to the inner surface 11 of the chassis liner 10 by adhesive 13 extending less than across the full width of the absorbent body, within the range of about 25 percent to about 95 percent thereof. Thus, the amount of surface area of the absorbent body 4 that is affixed to the chassis is within the recited range of about 25% to 95% of the absorbent body surface area.

Accordingly, the drawings are submitted to adequately show the features of these claims.

II. Response to Objection to the Specification and Claim Rejections under 35 U.S.C. Section 112

As noted in the previous Amendment B, applicants have not amended the Summary of the Invention section to be commensurate with the claim language as suggested by the Examiner. Rather, applicants agree to amend this portion of the specification

after issuance of a notice of allowance indicating the final form of the claims deemed allowable by the Office.

On page 4 of the Office action, the specification is objected to as not being commensurate with the claims. In particular, the Office appears to take the position that the definition of "affixed" provided at page 6, lines 15-20 of the spefication is not commensurate with the phrase "absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis" as recited in claim 44 and generally similarly recited in claim 68, and the phrase "about 25% to about 95% of said surface area is affixed to the inner surface of the stretchable multilayer chassis." More specifically, the Examiner's position appears to be that two components cannot be affixed to each other over less than 100% of their opposed surfaces. Applicants respectfully disagree.

On page 6, line 18 of the application, the following definition of "affixed" is provided.

> As used herein, "affixed" or "bonded" refers to the joining, adhering, connecting, attaching, or the like, of two elements. The two elements will be considered to be bonded together when they are bonded directly to one another or indirectly to one another.

The Office action mischaracterizes the term "indirectly" as it is used in the above definition, as meaning that if less than all of the surface area between two elements is directly affixed, then the remaining, unaffixed portions of the surface area between the two elements are indirectly affixed. This is not the case. Rather, the term "indirectly" is used to mean that the two elements may be directly affixed to each other, or there may be an intermediate element therebetween through which

the two elements are still affixed (e.g., each element being affixed directly to the intermediate element).

In view of the above, it is clear that two elements may be affixed to each other over less than 100 percent of the surface area therebetween within the definition of affixed provided in the specification. For example, as shown in Fig. 2 of the present application, the outer surface of the absorbent body is affixed directly to the inner surface of the chassis across less than the full width of the absorbent body. The remaining surface area of the outer surface of the absorbent body is unaffixed to the inner surface of the chassis because they are not affixed, directly or via a third element therebetween.

There is no support found anywhere in the present application or the drawings to support the Office's characterization of the term "affixed." To the contrary, as stated in the specification, if the entire inner surface [outer surface as amended herein] 9 of the absorbent body 4 is affixed or laminated to the inner surface 11 of the chassis 2, then the amount of stretchable surface area of the chassis is reduced by the entire surface area of the inner surface of the absorbent body (specification page 30, line 28 to page 31, line 2). The attachment of the entire surface area of the absorbent body 4 to the chassis 2 would greatly inhibit the biaxial stretch of the chassis. As such, the illustrated embodiment of the application is an alternative to attachment of the entire surface area of the absorbent body to the chassis so that increased stretchability of the chassis is facilitated.

The surface area of the outer surface 9 of the absorbent body 4 is portionally attached to the stretchable chassis 2 by a layer of adhesive 13 (Fig. 3) that may be a continuous layer

of adhesive, or a patterned layer of adhesive or by an other attachment method (specification page 30, lines 19-25). Further, the outer surface area 9 of the absorbent body 4 attached to the chassis 2 may cover only a fraction of the surface area of the chassis (e.g., a 4 inch by 6 inch absorbent body may be attached on a 2 inch by 4 inch rectangular area of the chassis) and may be less than about 95%, more preferably less than about 50%, and even more preferably less than about 25% (page 31, lines 23-28).

In view of the above, applicants submit that the claims are commensurate with the specification and respectfully request that the objection to the specification and the rejection of the claims under 35 USC §112 be withdrawn.

III. Response to Claim Objections

Claims 47 and 69 have been amended per the Examiner's objection noted on page 4 of the Office action.

IV. Response to Rejection of the Claims under 35 U.S.C 102

Applicants respectfully request reconsideration of the rejection of claims 44-47, 50-54, 56-65, and 86-87 under 35 U.S.C 102(b) as being anticipated by U.S. Patent No. 4,756,709 (Stevens).

Claim 44

The present invention is directed to a disposable absorbent article having enhanced stretch capabilities and being relatively inexpensive and easy to manufacture while maintaining comfort, fit and fluid containment qualities that are desirable of absorbent article construction.

In particular, claim 44 as amended herein recites a disposable absorbent article comprising:

> a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface, an outer surface and a minimum width; said chassis being stretchable at least laterally; and
>
> an absorbent body having an inner surface, an outer surface and ***a maximum width that is less than the minimum width of the chassis***, said absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis whereby the inner surface of the absorbent body lies against a wearer of the article during use, said chassis being stretchable about the wearer independent of the absorbent body.

Claim 44 as amended herein is submitted to be patentable over the references of record, and in particular Stevens, in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent article comprising an absorbent body having a maximum width less than a minimum width of the chassis and being affixed along at least a portion of its outer surface to the inner surface of the chassis, whereby the inner surface of the absorbent body lies against a wearer of the article during use.

Stevens discloses a disposable diaper 10 having an absorbent structure 22 attached to an outer cover 20. The absorbent structure 22 has an absorbent composite disposed between a liquid permeable bodyside liner 42 attached to a liquid impermeable barrier 44. As shown in the assembled position of Fig. 4, the absorbent structure 20 has a maximum width (e.g., at the front waist region) greater than a minimum width of the outer cover 20 (e.g., at the crotch

region). Accordingly, Stevens fails to show or suggest that the maximum width of the absorbent structure is less than the minimum width of the chassis as recited in amended claim 44.

The other references of record similarly fail to show or suggest the combination of features recited in claim 44.

For these reasons, claim 44 as amended is submitted to be unanticipated by and patentable over Stevens and the other references of record.

Claims 45-47 and 50-65 depend directly or indirectly from amended claim 44 and are submitted to be patentable over Stevens and the other references of record for the same reasons as claim 44.

Claim 47

Claim 47 depends from claim 1 and recites that the absorbent body has an outer surface of which about 25% to about 95% of the surface area of the outer surface of the absorbent body is affixed to the inner surface of the stretchable multilayer chassis. As shown in Fig. 4 of Stevens, the absorbent structure 22 of Stevens is affixed to the inner surface of the outer cover 20 by bonds 50, in the form of six dots of adhesive, located in the crotch region of the diaper 10. The six bonds 50 that affix the absorbent structure 22 to the outer cover comprise a very small amount of surface area of the absorbent structure, e.g., significantly less than about 25%.

Accordingly, claim 47 is patentable over Stevens and the other references of record for this additional reason.

Claim 52

Claim 52 depends indirectly from claim 1 and recites that both a chassis liner and an outer cover of the multilayer chassis are elastic.

Applicants submit that Stevens further fails to show or suggest an absorbent body affixed along at least a portion of its outer cover to the inner surface of a multilayer chassis that has an elastic chassis liner and an elastic outer cover. The Office action (at item 10) characterizes the outer cover 20 of Stevens as comprising the stretchable chassis recited in claim 1 of the present application. The Office action takes the position that Stevens and the two U.S. Patent Applications incorporated by reference therein (U.S. Patent Application Serial Nos. 760,437 and 760,449) teach that the outer cover can be made of a multilayer material having both an inner and outer layer that are each elastic. However, the Office action fails to specifically point out where in Stevens such a teaching is disclosed and only makes vague reference to the disclosure beginning on col. 17, line 10 of Stevens and the teachings of the two references incorporated by reference therein.

Stevens and the references incorporated therein by reference lack any such teachings that the outer cover may comprise a multilayer material having an inner and outer layer that are each elastic. Rather, Stevens teaches that the outer cover 20 could comprise a composite elastic material comprising a gatherable material bonded to an elastic web. The gatherable material is not disclosed as being elastic. Therefore, Stevens lacks any teaching that the outer cover 20 could comprise an elastic inner layer and an elastic outer layer of material.

For these additional reasons, claim 52 is further submitted to be patentable over the references of record.

Claim 86

Claim 86 as amended is directed to a disposable absorbent article comprising:

a stretchable chassis having an inner surface and an outer surface; and

an absorbent body having an outer surface and an inner surface adapted for contiguous relationship with a wearer of the article, the absorbent body being affixed along at least a portion of its outer surface to the stretchable chassis, the absorbent body and the stretchable chassis being configured and arranged relative to each other for contiguous relationship of at least a portion of the inner surface of the stretchable chassis with the wearer of the article, the outer surface of the absorbent body has a surface area wherein about 25% to about 95% of said surface area is affixed to the inner surface of the stretchable chassis.

Claim 86 as amended is submitted to be unanticipated by and patentable over Stevens and the other references of record in that the references fail to show or suggest an absorbent article comprising an absorbent body being affixed along at least a portion of its outer surface to a stretchable chassis and the outer surface of the absorbent body having a surface area wherein about 25% to about 95% of said surface area is affixed to the inner surface of the stretchable chassis.

As discussed previously in connection with claim 47, Stevens discloses a disposable diaper 10 having an absorbent

structure 22 attached to an outer cover 20 by bonds 50 that bond the absorbent structure to the outer cover in the crotch region of the diaper 10. Also, the outer cover 20 has a back waist flap 26 and a front waist flap 28 that are folded over the respective ends of the absorbent structure 22 to maintain the absorbent structure in position relative to the outer cover. The six bonds 50 that affix the absorbent structure 22 to the outer cover comprise a very small amount of surface area of the absorbent structure 22 that would not approach the lower limit (about 25%) of the range of surface area recited in claim 86.

For these reasons, claim 86 is submitted to be unanticipated by and patentable over Stevens and the other references of record.

Claim 87 depends directly from claim 86 and is submitted to be patentable over Stevens and the other references of record for the same reasons as claim 86.

V. Response to Rejection of the Claims under 35 U.S.C § 103

Claims 66-69 and 72-84 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of U.S. Patent Nos. 6,149,638 (Vogt et al.) and 5,486,166 (Bishop).

Claim 66

Claim 66 as amended is directed to a disposable absorbent article having a longitudinal axis and a lateral axis. The absorbent article comprises:

a stretchable multilayer chassis having an inner surface and an outer surface, said chassis comprising:

an elastic chassis liner defining the inner surface of the chassis and being stretchable at least laterally; and

an elastic outer cover secured to the chassis liner and defining the outer surface of the chassis, said outer cover being stretchable at least laterally;

an absorbent body comprising:

an absorbent core;

a tissue wrapsheet wrapped about the absorbent core; and

a surge management layer; and

an absorbent body liner secured at least in part to the chassis liner, said absorbent body being disposed between the absorbent body liner and the chassis liner with the surge management layer disposed between the tissue wrapsheet and the absorbent body liner.

Claim 66 as now presented is submitted to be nonobvious and patentable over the references of record, and in particular Stevens in view of Vogt et al., in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent article having a multilayer chassis with an elastic chassis liner defining the inner surface of the chassis, an elastic outer cover secured to the chassis liner, and an absorbent body disposed between an absorbent body liner and the chassis liner with the absorbent body liner secured at least in part to the chassis liner.

As stated previously, the Office action characterizes the outer cover 20 of Stevens as the multilayer chassis recited in claim 66. At most, Stevens discloses that the outer cover 20 may comprise a composite elastic material comprising two layers, one being a gatherable, nonwoven web and the other an elastic web. The Office action fails to set forth the exact disclosure in Stevens that teaches the outer cover may comprise a multilayer material having an

elastic liner and an elastic outer cover. Despite the lengthy disclosure in Stevens regarding the details of the composite elastic material, the Office action does not cite a specific location in Stevens that teaches or suggests that the outer cover comprises both an elastic inner layer and an elastic outer layer.

Vogt et al. disclose an absorbent article 8 having a bodyside liner 24 defining the inner surface of the article and an extensible outer cover 26 defining the outer surface of the article. An absorbent pad 38 is disposed between the bodyside liner 24 and the outer cover 26. Vogt et al. thus disclose an absorbent article in which the absorbent core 44 adheres directly to the liner. As such, Vogt et al. clearly fail to show or even suggest a chassis that comprises both an outer cover and a chassis liner secured to the inner surface of the outer cover and defining the inner surface of the chassis.

The other references of record also fail to show or suggest the combination of features recited in claim 66.

For these reasons, claim 66 is submitted to be nonobvious and patentable over Vogt et al. and the other references of record.

Claims 67-69 and 72-85, depending directly or indirectly from claim 66, are submitted to be patentable references of record for the same reasons as claim 66.

Claim 69

Claim 69 depends from claim 66 and recites that the absorbent body has an outer surface having a surface area and that about 25% to about 95% of the surface area is affixed to the chassis liner of the stretchable multilayer chassis. As shown in Fig. 4 of Stevens, the absorbent structure 22 of

Stevens is affixed to the inner surface of the outer cover 20 by bonds 50, in the form of six dots of adhesive, located in the crotch region of the diaper 10. The six bonds 50 that affix the absorbent structure 22 to the outer cover comprise a very small amount of surface area that is significantly less than the lower limit (about 25%) of the range of surface area recited in claim 69.

Accordingly, claim 69 is submitted to be patentable over Stevens and the other references of record for this additional reason.

VI. Conclusion

In view of the foregoing, consideration and allowance of claims 44-47, 50-69, 72,and 74-87 as now presented is respectfully requested.

No fee is believed to be due for the submission of this Amendment. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 19-1345 in the name of Senniger Powers.

Respectfully submitted,

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